IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.Rev.Pet.No. 841 of 2002(A)

CRA.288/1999 of ADDL.SESSIONS COURT, KOZHIKODE
CC.584/1997 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA
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REVN. PETITIONER: REVN.PETITIONER/APPELLANT/ACCUSED:

P. REMANI BHAI, 2/1372,
NEAR CHERIYAPALAM, P.O. KARAPARAMBU,
NADAKKAVU, KOZHIKODE.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS: RESPONDENTS/ACCUSED & STATE:
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1. T.V. JAYADEVAN, S/O. KANNAN VAIDYER,
THYIVALAPPIL HOUSE, P.O. IRINGAL,
KOYILANDY.

2. STATSE OF KERALA REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH
SRI.MOHANAN V.T.K.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRLRP. NO.841/2002

ORDER ON CRL.MP. 4755/02 IN CRL.RP. 841/02

DISMISSED

16.07.2007 **SD/- M.SASIDHARAN NAMBIAR, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P. NO.841 of 2002

Dated this the 16th day of July, 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 N.I.Act and sentenced to undergo simple imprisonment for six months.

2. The cheque amount involved is Rs.one lakh. The contention of the accused before the courts below is that only a sum of Rs.50,000/- has been borrowed. The execution of the cheque and also the dishonour of the same for want of funds in the account have been proved through the evidence of PWs.1 and 2 and Exts.P1 to P8. There was no rebuttal of the statutory presumptions. In the circumstances, the conviction is confirmed.

3. Counsel for the revision petitioner has only sought for modification of the sentence and time to pay the amount. In the circumstances, the sentences is modified to imprisonment till the rising of the court and to pay a compensation of Rs.one lakh to the complainant and in default to undergo simple imprisonment for 3 months. The revision petitioner is granted 6 months time to pay the amount, less the amount if any deposited.

The revision petitioner shall appear before the JFCM, Vadakara on 15-1-2008 to receive the sentence.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

Kvm/

K.R.UDAYABHANU, J.

CRL.R.P.NO.841 OF 2002

ORDER

16-7-2007.